

REMARKS

In Section VIII of the Written Opinion, claims 1-16, 18-28, 33-36, 38-39, and 49-56 are objected to under PCT Article 33(2) as being anticipated by United States Patent Number 1,983,858 issued to Karnes. Also in Section VIII of the Written Opinion, claims 1-56 are objected to under PCT Article 33(3) as lacking an inventive step over Karnes in view of United States Patent Number 3,450,270 issued to Brown.

Claim 1 of the present application is hereby amended, and calls for, among other things:

A modular shelving system, comprising:

... a first cantilevered shelf releasably attached at an elevation to at least one of the first plurality of connectors at a location exterior to the first support post and at least one of the second plurality of connectors at a location exterior to the second support post, the first cantilevered shelf adjustable to different heights along the first and second support posts by releasable attachment to different connectors of the first and second plurality of connectors at respective locations exterior to the first and second support posts

Claim 9 of the present application is also hereby amended, and calls for, among other things:

A method of mounting cantilevered shelves to a support post . . . comprising:

... selecting a connector from the plurality of connectors;
positioning a part of the first cantilevered shelf at a location adjacent an exterior surface of the support post, the location having an elevation;
attaching the first cantilevered shelf to the connector at the location. . . .

Claim 18 of the present application is also hereby amended, and calls for, among other things:

A post for supporting cantilevered shelves in a shelving assembly . . . , the post comprising:

... a plurality of connectors extending from at least one of the first side and the second side of the post, at least a portion of each connector located exterior to the post and adapted for connection to at least two cantilevered shelves at a common elevation.

Claim 22 of the present application is also hereby amended, and calls for, among other things:

A method for supporting a cantilevered shelves, the method comprising:

... positioning first and second connectors on the first shelf at respective locations exterior to the first and second support posts ... ;
releasably attaching the first and second connectors on the first shelf to the connectors selected on the first and second support posts at the locations; and
cantilevering the first shelf from the first and second support posts

Claim 33 of the present application is also hereby amended, and calls for, among other things:

A modular shelving system, comprising:

... a plurality of fastening locations on the first and second sides of the support post, the plurality of fastening locations being exterior to the support post;
a first shelf releasably attached to a location of the plurality of fastening locations on the first side of the support post ... ; and
a second shelf releasably attached to a location of the plurality of fastening locations on the second side of the support post

Claim 40 of the present application is also hereby amended, and calls for, among other things:

A modular shelving system, comprising:

... a first shelf extending to a first exterior location on the first side of the support post and releasably attached to the support post at the first exterior location...;
and
a second shelf extending to a second exterior location on the second side of the support post and releasably attached to the support post at the second exterior location....

Claim 49 of the present application is also hereby amended, and calls for, among other things:

A cantilevered shelf ... comprising:

a first flange having an end releasably engagable with an exterior surface of one of the opposing sides of the first post ... ;
a second flange having an end releasably engagable with an exterior surface of one of the opposing sides of the second post

Claim 55 of the present application is also hereby amended, and calls for, among other things:

A method for supporting a cantilevered shelf, the method comprising:

... connecting a first portion of the shelf with an exterior surface on a side of the first post;
connecting a second portion of the shelf with an exterior surface on a side of the second post

As discussed in the July 26, 2004 Examiner's Interview with the undersigned Applicant's Representative, each of claims 1, 9, 18, 22, 33, 40, 49, and 55 calls for a modular work station or shelving system, a cantilevered shelf, a shelving assembly post, or a method in which a shelf can be coupled in cantilevered fashion to an exterior surface of a post, to a location exterior to the post, or to a location adjacent an exterior surface of the post.

In contrast, the display stand disclosed by Karnes and the support standard disclosed by Brown both rely upon connection of a shelf bracket or arm extending into a post or standard for connection thereto. In the display stand of Karnes, two arms 10 extend from a shelf bracket 9 between upright bars 1a, 1b of the display post 1, and engage a pin 5 located inside the post 1. Although the pin 5 extends through the upright bars 1a, 1b as best shown in Figs. 5 and 7 of Karnes, the shelf bracket 9 does not connect to the exterior portions of the pin 5. Instead, the shelf bracket 9 engages a portion of the pin 5 located inside the post 1. With regard to the support standard of Brown, shelf brackets 9 extend between vertical sheet metal members 1, 10 of the support standard, and engage portions 8 of metal rods 8 inside the standard. Neither Karnes, nor Brown, nor their combination teach, describe, or suggest a post adapted for connection to a cantilevered shelf at or adjacent exterior surfaces or locations of the post, or a method by which such a shelf-to-post connection can be made as claimed in amended claims 1, 9, 18, 22, 33, 40, 49, and 55. In addition, neither Karnes nor Brown teach or suggest the desirability of such a post or method. Indeed, if the post of Karnes or the standard of Brown were modified to the forms claimed in amended claims 1, 9, 18, 22, 33, 40, 49, and 55, the remaining elements and structure disclosed by Karnes and Brown would have to be significantly re-designed to perform a shelf supporting function, with no motivation regarding why such a re-design would be necessary or desirable.

Accordingly, the Applicant respectfully requests withdrawal of the PCT Article 33(2) and 33(3) objections of claims 1, 9, 18, 22, 33, 40, 49, and 55 as hereby amended.

Claims 2-8, 10-17, 19-21, 23-32, 34-39, 41-48, 50-54 and 56 are each ultimately dependent upon amended claims 1, 9, 18, 22, 33, 40, 49, and 55, respectively, and are believed to be allowable based upon amended claims 1, 9, 18, 22, 33, 40, 49, and 55 and upon other features and elements claimed in claims 2-8, 10-17, 19-21, 23-32, 34-39, 41-48, 50-54 and 56 but not discussed herein.

CONCLUSION

The Applicant respectfully submits that the present invention is patentably distinct over the prior art and that all pending claims meet the criteria set forth in PCT Article 33(2)-(3). Favorable consideration of the present application as amended is therefore respectfully requested.

Respectfully submitted,

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I, Sharon A. Johnson, hereby certify that this paper or fee is being deposited with the U.S. Postal Service as Express Mail No. EV323213775US and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, Attn. IPEA/US, on the date of my signature.

Dated: July 26, 2004

Michael Best & Friedrich LLP

Sharon A. Johnson
By: Sharon A. Johnson

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
AS THE INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

In re application of: L&P Property)	
Management Company)	Attn: IPEA/US
)	
Appl. No.: PCT/US03/11698)	Examiner: Robert W. Gibson, Jr.
)	
Filed: 16 April 2003)	Date: 26 July 2004
)	
For: "MODULAR CANTILEVERED)	Attorney Docket No.: 205332-9011
SHELVING ASSEMBLY AND)	
METHOD")	

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Sir:

LETTER ACCOMPANYING AMENDMENT UNDER
PCT ARTICLE 34(2) AND PCT RULES 66.1(b) AND 66.3

The enclosed Amendment Under PCT Article 34(2) and PCT Rules 66.1(b) and 66.3 changes the claims in the following way:

PCT/US03/11698

Claims unchanged: claims 17, 19-21, 25, 31, 34-39, 41-48, 50-54, and 56;

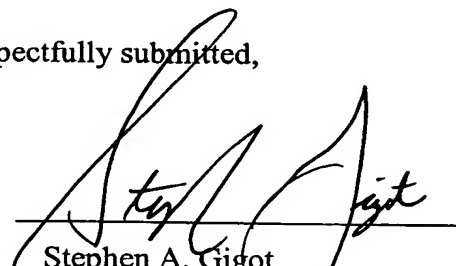
Claims changed: claims 1-16, 18, 22-24, 26-30, 32, 33, 40, 49, and 55;

Claims canceled: none; and

Claims added: none.

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PENDING PAGES 17-27 AMENDED IN MANUSCRIPT FORM

(Added Text Underlined; Deleted Text Struck)

What is claimed is:

1. A modular ~~work station~~ shelving system, comprising:
 - first and second support posts laterally spaced from one another;
 - the first support post having a first plurality of connectors extending laterally from an exterior of the first support post;
 - the second support post having a second plurality of connectors extending laterally from an exterior of the second support post; and
 - a first cantilevered shelf releasably attached at an elevation to at least one of the first plurality of connectors at a location exterior to the first support post and at least one of the second plurality of connectors at a location exterior to the second support post, the first cantilevered shelf adjustable to different heights along the first and second support posts by releasable attachment to different connectors of the first and second plurality of connectors at respective locations exterior to the first and second support posts, the first cantilevered shelf comprising:
 - a first side bracket;
 - a second side bracket; and
 - at least one cross member extending between the first side bracket and the second side bracket;
 - wherein at least one of the first and second support posts is adapted for releasable attachment to a second cantilevered shelf at the elevation of the first cantilevered shelf.

2. The modular ~~work station~~ shelving system as claimed in claim 1, wherein the first side bracket further comprises:
 - a flange having a first end releasably attached to and cantilevered from at least one of the plurality of connectors;
 - a portion extending across at least part of a front of the first support post when the first cantilevered shelf is attached to the first support post to abut and bear against the first support post.

3. The modular ~~work station~~ shelving system as claimed in claim 2, wherein the at least one cross member defines a support surface upon which items supported by the first cantilevered shelf rest.
4. The modular ~~work station~~ shelving system as claimed in claim 1, further comprising: a base having a first end attached to the first and second support posts, the base having at least one leg supporting the base at a second end of the base.
5. The modular ~~work station~~ shelving system as claimed in claim 1, wherein the first plurality of connectors are a first plurality of pins extending laterally from the first support post and the second plurality of connectors are a second plurality of pins extending laterally from the second support post.
6. The modular ~~work station~~ shelving system as claimed in claim 5, wherein the first and second pluralities of pins extend through and are supported within a first plurality of apertures defined in the first support post and a second plurality of apertures defined in the second support post, respectively.
7. The modular ~~work station~~ shelving system as claimed in claim 5, wherein the first and second pluralities of pins are welded to the first support post and the second support post, respectively.
8. The modular ~~work station~~ shelving system as claimed in claim 1, further comprising a cover attached to the first cantilevered shelf and defining a surface of the first cantilevered shelf upon which items upon the first cantilevered shelf rest.

9. A method of mounting a cantilevered shelf shelves to a support post having a front surface oriented to face a front of a shelving assembly, a rear surface oriented to face a rear of the shelving assembly, and a side surface oriented laterally to face a side of the shelving assembly, the method comprising:

selecting a desired height of ~~the~~ a first cantilevered shelf with respect to the support post, the support post having a plurality of connectors at different heights along the support post, each of the plurality of connectors extending laterally away from the support post;

selecting a connector from the plurality of connectors;

positioning a part of the first cantilevered shelf at a location adjacent an exterior surface of the support post, the location having an elevation;

attaching the first cantilevered shelf to the connector at the location; and

supporting the first cantilevered shelf upon the support post at least partially via the connector; and

attaching a second cantilevered shelf to the support post at the elevation.

10. The method as claimed in claim 9, further comprising abutting a surface of the first cantilevered shelf against a portion of at least one of the front surface and the rear surface of the support post.

11. The method as claimed in claim 9, wherein attaching the first cantilevered shelf to the connector further comprises positioning a portion of the first cantilevered shelf at least partially around at least one of the plurality of connectors.

12. The method as claimed in claim 11, wherein:

the plurality of connectors are a plurality of pins extending from the support post; and

positioning a portion of the first cantilevered shelf comprises extending a portion of the first cantilevered shelf at least partially around at least one of the plurality of pins.

13. The method as claimed in claim 9, wherein attaching the first cantilevered shelf to the connector further comprises receiving the connector within an aperture in the shelf.

14. The method as claimed in claim 13, wherein:

the plurality of connectors are a plurality of pins extending from the support post;

the aperture is a recess defined in a flange of the first cantilevered shelf.

15. The method as claimed in claim 9, ~~wherein the cantilevered shelf is a first cantilevered shelf, the method~~ further comprising:

selecting a desired height of a the second cantilevered shelf with respect to the support post;

selecting a second connector from the plurality of connectors;

attaching the second cantilevered shelf to the second connector; and

supporting the second cantilevered shelf upon the support post at least partially via the second connector.

16. The method as claimed in claim 9, ~~wherein the cantilevered shelf is a first cantilevered shelf, the method~~ further comprising:

selecting a desired height of a the second cantilevered shelf with respect to the support post;

attaching the second cantilevered shelf to the connector, the second cantilevered shelf extending from the front face of the support post when attached to the connector; and

supporting the second cantilevered shelf upon the support post at least partially via the connector.

17. The method as claimed in claim 16, further comprising connecting the first cantilevered shelf to a first side of the support post and connecting the second cantilevered shelf to a second side of the support post.

18. A post for supporting ~~at least one~~ cantilevered shelf shelves in a shelving assembly having a front and a rear, the post comprising:

a periphery having

a front surface substantially facing the front of the shelving assembly;

a rear surface opposite the front surface;

a first side adjacent to the front surface; and

a second side adjacent the front surface and opposite the first side; and

a plurality of connectors extending from at least one of the first side and the second side of the post, at least a portion of each connector located exterior to the post and adapted for connection to at least two cantilevered shelves at a common elevation.

19. The post as claimed in claim 18, wherein the plurality of connectors are a plurality of pins welded to the at least one of the first side and the second side of the post.

20. The post as claimed in claim 19, wherein the plurality of pins extend through a plurality of apertures in the at least one of the first side and the second side of the post.

21. The post as claimed in claim 19, wherein at least one of the pins extend laterally through the first and second sides of the post.

22. A method for supporting a cantilevered ~~shelf~~ shelves, the method comprising:
- providing first and second support posts laterally spaced from one another, each of the first and second support posts having a front, a rear, opposing sides, and a plurality of connectors extending substantially laterally from the first and second support posts and located at a plurality of heights on the first and second support posts;
 - selecting a height for a first shelf by selecting at least one connector from the plurality of connectors extending from the first support post and at least one connector from the plurality of connectors extending from the second support post;
 - ~~aligning~~ positioning first and second connectors on the first shelf ~~with at respective locations exterior to the connectors selected on the first and second support posts;~~
 - respectively, the respective locations having an elevation;
 - releasably attaching the first and second connectors on the first shelf to the connectors selected on the first and second support posts at the locations; and
 - cantilevering the first shelf from the first and second support posts;
 - wherein the plurality of connectors extending from the first support post include at least one connector positioned for releasable attachment to a second shelf at the elevation.
23. The method as claimed in claim 22, further comprising:
- providing first and second surfaces of the first cantilevered shelf, the first and second surfaces extending across at least part of the front of the first and second support posts, respectively; and
 - abutting the first and second surfaces of the first cantilevered shelf against the front of the first and second support posts, respectively.
24. The method as claimed in claim 22, wherein the first and second connectors on the first cantilevered shelf are projections extending from the first cantilevered shelf; and wherein releasably attaching the first and second connectors comprises extending the projections of the first cantilevered shelf to positions adjacent the connectors selected on the first and second support posts.
25. The method as claimed in claim 24, wherein the plurality of connectors extending from the support posts are a plurality of pins extending from the support posts; and wherein releasably attaching the first and second connectors comprises extending the projections at least partially about the connectors selected on the first and second support posts.

26. The method as claimed in claim 22, wherein the first and second connectors on the first cantilevered shelf are apertures in the first cantilevered shelf; and wherein releasably attaching the first and second connectors comprises receiving the connectors selected on the support posts within the apertures in the first cantilevered shelf.

27. The method as claimed in claim 26, wherein:
the plurality of connectors extending from the support posts are a plurality of pins extending from the support posts;

the apertures on the first cantilevered shelf are recesses within flanges of the first cantilevered shelf; and

releasably attaching the first and second connectors on the first cantilevered shelf to the connectors selected on the first and second support posts comprises receiving pins of the plurality of pins within the apertures in the first cantilevered shelf.

28. The method as claimed in claim 22, ~~wherein the cantilevered shelf is a first cantilevered shelf, the method~~ further comprising:

selecting a height for a the second shelf by selecting a second connector from the plurality of connectors extending from the first support post and a third connector from the plurality of connectors extending from the second support post;

aligning first and second connectors on the second shelf with the second and third connectors selected on the first and second support posts, respectively;

releasably attaching the first and second connectors on the second shelf to the second and third connectors selected on the first and second support posts, respectively; and

cantilevering the second shelf from the first and second support posts.

29. The method as claimed in claim 22, ~~wherein the cantilevered shelf is a first cantilevered shelf, the method~~ further comprising:

aligning a first connector on a the second shelf with a second connector of the plurality of connectors extending from the first support post;

releasably attaching the first connector on the second shelf to the second connector of the plurality of connectors extending from the first support post, first and second shelves attached to the first support post on opposite sides of the first support post; and

cantilevering the second shelf from the first support post.

30. The method as claimed in claim 22, ~~wherein the cantilevered shelf is a first cantilevered shelf, the method~~ further comprising:

aligning a first connector on a the second shelf with the at least one connector selected on the first support post;

releasably attaching the first connector on the second shelf to the at least one connector selected on the first support post; and

cantilevering the second shelf from the first support post at the same height as the first shelf.

31. The method as claimed in claim 28, wherein:

aligning the first connector on the second shelf includes aligning the first connector on the second shelf with a portion of the at least one connector located on a side of the first support post opposite the first shelf; and

releasably attaching the first connector on the second shelf includes releasably attaching the first connector on the second shelf on a side of the first support post opposite the first shelf.

32. The method as claimed in claim 30, further comprising extending the first cantilevered shelf to the front of the support posts and extending the second cantilevered shelf to the rear of the support posts.

33. A modular shelving system, comprising:
a support post having a front, a rear, and opposing first and second sides;
a plurality of fastening locations on the first and second sides of the support post, the plurality of fastening locations being exterior to the support post;
a first shelf releasably attached to ~~the support post at~~ a location of the plurality of fastening locations on the first side of the support post, the first shelf cantilevered from the support post and extending forwardly from the support post; and
a second shelf releasably attached to ~~the support post at~~ a location of the plurality of fastening locations on the second side of the support post, the second shelf cantilevered from the support post and extending forwardly from the support post.
34. The modular shelving system claimed in claim 33, wherein the first and second shelves are releasably attached to the support post at the same height.
35. The modular shelving system claimed in claim 34, wherein the first and second shelves are adjacent one another and a portion of the first and second shelves is disposed in front of the front of the support post.
36. The modular shelving system claimed in claim 33, wherein the first and second shelves are adjacent one another and a portion of the first and second shelves is disposed in front of the front of the support post.
37. The modular shelving system claimed in claim 33, wherein the first shelf extends rearwardly from the support post.
38. The modular shelving system claimed in claim 33, wherein the plurality of fastening locations on the first and second sides of the support post are defined at least in part by a plurality of pins extending from the first and second sides of the support post, the first and second shelves being attached to the support post via at least one of the plurality of pins.
39. The modular shelving system claimed in claim 38, wherein the plurality of pins extend through the support post from the first side of the support post to the second side of the support post.

40. A modular shelving system, comprising:
a support post having a front, a rear, and opposing first and second sides;
a plurality of fastening locations on the first and second sides of the support post;
a first shelf ~~releasably attached to the support post at a~~ extending to a first exterior location on the first side of the support post and releasably attached to the support post at the first exterior location, the first shelf cantilevered from the support post and extending forwardly from the post; and
a second shelf ~~releasably attached to the support post at a~~ extending to a second exterior location on the second side of the support post and releasably attached to the support post at the second exterior location, the second shelf cantilevered from the support post and extending rearwardly from the support post.
41. The modular shelving system claimed in claim 40, wherein the first and second shelves are releasably attached to the support post at the same height.
42. The modular shelving system claimed in claim 41, wherein the first and second shelves are adjacent one another and a portion of the first and second shelves is disposed in front of the front of the support post.
43. The modular shelving system claimed in claim 40, wherein the first and second shelves are adjacent one another and a portion of the first and second shelves is disposed in front of the front of the support post.
44. The modular shelving system claimed in claim 40, wherein the first shelf extends rearwardly from the support post.
45. The modular shelving system claimed in claim 40, wherein the plurality of fastening locations on the first and second sides of the support post are defined at least in part by a plurality of pins extending from the first and second sides of the support post, the first and second shelves being attached to the support post via at least one of the plurality of pins.
46. The modular shelving system claimed in claim 45, wherein the plurality of pins extend through the support post from the first side of the support post to the second side of the support post.

47. The modular shelving system claimed in claim 40, wherein a portion of the first shelf extends across at least a portion of the front of the support post.
48. The modular shelving system claimed in claim 47, wherein:
the support post has a corner defined by the first side and the front of the support post;
and
the first shelf extends around the corner.

49. A cantilevered shelf releasably connectable to first and second posts at a plurality of different heights along the first and second posts, each post having a front, a rear, and opposed sides, the cantilevered shelf comprising:

a first flange having an end releasably engagable with an exterior surface of one of the opposing sides of the first post, the first flange shaped to extend across ~~at least a portion of~~ the less than an entire front of the first post to define a bearing surface of the first flange abutting the front of the first post;

a second flange having an end releasably engagable with an exterior surface of one of the opposing sides of the second post, the second flange shaped to extend across ~~at least a portion of the~~ less than an entire front of the second post to define a bearing surface of the second flange abutting the front of the second post; and

a shelf body attached to and extending between the first flange and the second flange.

50. The shelf as claimed in claim 49, further comprising a shelf cover attached to the shelf body.

51. The shelf as claimed in claim 49, wherein the shelf body has a surface upon which items supported by the shelf rest.

52. The shelf as claimed in claim 49, wherein the first and second posts further comprise a plurality of connectors extending from the opposed sides of the posts, the ends of the first and second flanges releasably engagable with at least one connector on the first and second posts, respectively, at different heights along the first and second posts defined at least in part by the locations of the plurality of connectors on the posts.

53. The shelf as claimed in claim 52, wherein the plurality of connectors are pins extending from the opposed sides of the first and second posts.

54. The shelf as claimed in claim 53, wherein the pins extend through the first and second posts.

55. A method for supporting a cantilevered shelf, the method comprising:
 providing a first post and second post, the first post laterally spaced from the second post,

selecting a height of a shelf upon the first and second posts;

connecting a first portion of the shelf to with an exterior surface on a side of the first post;

connecting a second portion of the shelf to with an exterior surface on a side of the second post;

cantilevering the shelf from the first and second posts in one of a forward and rearward direction with respect to the first and second posts;

abutting the shelf against a less than an entire front portion of the first post; and

abutting the shelf against a less than an entire front portion of the second post; post.

56. The method as claimed in claim 55, wherein connecting a first portion of the shelf to a side of the first post and connecting a second portion of the shelf to a side of the second post comprises attaching a first portion of the shelf to a pin extending from the side of the first post and attaching a second portion of the shelf to a pin extending from side of the second post.